

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-2(c)

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Attorneys for Trustee

In Re:

GIUSEPPE GIUDICE and TERESA GIUDICE  
  
Debtor.

Chapter 7

Case No. 09-39032 (MS)

Hearing Date: 8/16/10

Judge: Morris Stern

**SUPPORTING APPLICATION BY CHAPTER 7 TRUSTEE TO PROCEED TO PUBLIC  
SALE**

The Application of JOHN W. SYWILOK, ESQ., respectfully represents:

1. Applicant is duly qualified and acting Trustee in this case.
2. This case was initiated by the Debtors by them filing a Petition in Bankruptcy on October 29, 2009. I as Trustee am seeking to conduct a public auction sale of the debtor's furnishings and related items at 6 Indian Lane, Towaco, NJ on August 22, 2010. The Debtors through their attorneys had filed an objection to proceeding with a public sale. Subsequently, the attorney for the Debtors filed more specific objections and had attached documents of purchases of household furnishings by the Debtors shortly after the filing of the petition. These represented purchases totaling approximately \$60,000.00 within approximately 60 days after filing.
3. Besides this spending spree, there were substantial purchases of household furnishings prior to bankruptcy. On September 5, 2009 the Debtors placed an order for a wall unit, round chairs,

stone top iron foyer tables and other items in the sum of \$21,810.00. The Debtors paid a deposit at that time of approximately \$5,000.00. On October 10, 2009 and just nineteen days prior to filing paid to the Seller an additional \$5,000.00 towards the purchase. Two days prior to the filing of the petition herein, the debtors paid the sum of \$6,000.00 to the Seller. The source of these funds is unknown. This information has only recently come to the attention of the Trustee as a result of a subpoena served upon Unique Furniture, the Seller of the household furnishings. Attached as Exhibit "A" is the invoice of September 5, 2009.

4. Additionally and solely from this Seller, the Debtors between April of 2008 and June of 2009 purchased more than \$40,000.00 worth of household furnishings.

5. The assets were appraised for approximately \$51,000.00. I as Trustee believe that based upon the interest expressed in this case that a greater amount will be realized. The auctioneer had also advised me that there have been an extraordinary number of hits on his website for this sale.

6. The attorney for the Debtors in his papers have asserted that if you calculate all of the possible exemptions that they would equal or exceed the appraisal price. However, the Debtors have not amended Schedule C to include these exemptions. Based upon the presently filed schedules there is equity in favor of creditors.

7. Based upon the foregoing, it is requested that the Court dismiss the objection to the public auction sale and permit the Trustee to proceed with a public auction sale.

BY: /s/ JOHN W. SYWILOK

JOHN W. SYWILOK

Dated: August 15, 2010